US PROGRAMS

RECHARGEABLE BATTERY LABELING

Introduction

During the early 1990s, many in the rechargeable battery industry sought to create a nationwide battery collection and recycling program. This voluntary industry initiative was impeded, however, by differing state battery labeling and waste management requirements. One type of battery waste might be subject to differing regulations, depending on the state in which it was generated. In particular, differing waste management requirements stemmed in part from the Resource Conservation and Recovery Act (RCRA) of 1976, which regulates the management of hazardous wastes such as used rechargeable nickel-cadmium batteries. In May of 1995, EPA sought to remedy the situation by promulgating the Universal Waste Rule which, among other things, eased the regulatory burden on businesses that generate batteries and certain other hazardous wastes by streamlining some of the most stringent provisions of the hazardous waste regulations. The Rule only took effect, however, when states formally adopted it into their own regulations. As of May 1996, only 32 states had done this, resulting in differing requirements across states and further complicating efforts to implement a nationwide recycling program. Subsequently, the Portable Rechargeable Battery Association (PRBA) pushed for the *Mercury-Containing and Rechargeable Battery Management Act* (the Battery Act), which was signed into law on May 13, 1996. The goal of the Battery Act was twofold: to reduce the mercury content of consumer batteries and to encourage battery recycling. As part of the latter goal, the Act made the Universal Waste Rule effective immediately in all 50 states. In addition, it specified national uniform battery labeling requirements for the collection, storage, and transportation of batteries covered by the Battery Act. Covered batteries include rechargeable nickel-cadmium batteries, certain small sealed lead-acid batteries, and certain rechargeable consumer products powered by such batteries.

Program Summary

Battery labeling under the Battery Act is unlike most other environmental labeling programs. As a mandatory program, it is dedicated not to product quality differentiation like most labeling programs, but to promoting recycling efforts following product use.

The Battery Act requires that each regulated battery (rechargeable nickel-cadmium batteries and certain small sealed lead-acid batteries) or rechargeable consumer products without an easily removable battery manufactured at least one year after the Act's enactment, bear the following labels:

(1) 3 chasing arrows or a comparable recycling symbol.
(2) On each regulated nickel-cadmium battery, the chemical name or abbreviation "Ni-Cd" and

the phrase "BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY."
(3) On each regulated lead-acid battery, "Pb" or the words "LEAD," "RETURN," and "RECYCLE," and if the regulated battery is sealed, the phrase, "BATTERY MUST BE RECYCLED."
(4) On each rechargeable consumer product containing a regulated battery that is not easily removable, the phrase, "CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY." or "CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.", as applicable.
(5) On the packaging of each rechargeable consumer product, and the packaging of each regulated battery sold separately from such a product, unless the required label is clearly visible through the packaging, the phrase "CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY." or "CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED." as applicable (Public Law 104-142, Section 103)

Alternative labels can be certified by EPA if they convey the same information or conform to a recognized international standard created for the same purpose as the regulation. The Battery Act also gives EPA the authority to impose similar labeling requirements on other classes of rechargeable batteries, should they be deemed toxic and harmful when disposed of through land disposal or incineration.

EPA was designated the official administering agency of the Battery Act. Within EPA, specific responsibilities have been delegated to various offices and divisions. Enforcement issues are handled by the Office of Enforcement and Compliance Assurance, while the Office of Solid Waste (OSW) is responsible for many of the other tasks. Specifically, OSW's Municipal Information and Analysis Branch has been assigned responsibility for interpreting the labeling and easy removability requirements of the act. Its responsibilities also include reviewing applications for alternative labels, as well as petitions for exemptions from the easy removability requirements.

Program Methodology

All regulated batteries and certain rechargeable battery-containing products must be labeled according to Section 103 of the Battery Act. Though some of these regulated product categories are established by the law, the Battery Act does allow EPA to include other classes of batteries should they be deemed toxic and harmful to human health and the environment when incinerated or disposed of in landfills. In this way, the setting of product categories beyond that established by the Act is left to EPA. Labeling criteria are set by the Battery Act however, since EPA can only certify alternative labels if they convey the same information as the labels specified in the regulations. With regulated products labeled, individual product evaluation does not occur.

Other Information

In December 1995, the International Electrotechnical Commission (IEC) published International Standard IEC 1429 for the labeling of batteries with a Moebius loop (three chasing arrows, established by ISO 7000-1135 as the international recycling symbol) and chemical symbols indicating the electrochemical system of the battery. IEC 1429 hasn't been adopted by the American National Standards Institute (ANSI) as a voluntary US standard. In promoting the Battery Act, however, US rechargeable battery manufacturers recognized that it would be advantageous to comply with IEC 1429 in the interest of wider consumer recognition and reduced burden on manufacturers seeking to comply with both domestic and international standards.

References

Bagby, Jefferson. President, Global Labeling International Limited. Personal communication with Abt Associates. Summer 1997.

Bleacher, Sam. Portable Rechargeable Battery Association. Personal communication with Abt Associates. Summer 1997.

England, Norm. Portable Rechargeable Battery Association. Personal communication with Abt Associates. Fall 1997.

Fishbein, Bette. *Extended Product Responsibility: A New Principle for Product-Oriented Pollution Prevention.* University of Tennessee, Center for Clean Products and Clean Technologies, June 1997.

Lindsay, Clare. Office of Solid Waste, EPA. Personal communication with Abt Associates, Summer 1997.

Mooney, Saskia and Howrey and Simon. Personal communication with Abt Associates, Fall 1997.

Nogas, Susan. Municipal Information and Analysis Branch of the Office of Solid Waste, EPA. Personal communication with Abt Associates, Summer 1997.

The Mercury-Containing and Rechargeable Battery Management Act, Public Law 104-142.

Product Categories

Toxic rechargeable batteries (e.g. nickel-cadmium and certain small sealed lead-acid batteries)
Rechargeable consumer products without easily removable batteries